lute fee granted. Thus in a large class of cases where the influence of Chancellor Kent's decision is greatly to be deplored the author's view would furnish no relief. Yet in this class of cases no reason exists in the nature of things why the executory devise should not be upheld. The reason urged against an executory devise of undisposed of personalty, namely, that the limitation is too indefinite since it is generally impossible to determine the exact property so left, does not apply to devises of realty, which are here under consideration. Moreover, as was pointed out by counsel in early cases in England, if the limitation were to A for life, with power of appointment by deed or will, and in default of appointment over to X, the devise to X would be valid. See *Ross* v. *Ross*, 1 Jac. & W. 154, 156. This admittedly valid limitation, however, produces a result identical with that where the fee is given to A with an executory devise over to X of property undisposed of. If, then, there are any valid objections to the latter limitation, they cannot rest on grounds of policy and substantial justice. But the technical objection raised by Mr. Thompson seems equally unavailing. His basic proposition, as his authorities indicate, is but a special expression of the supposed objection of "repugnancy" or "incongruity," an objection which declares that no estate can be granted deprived of its ordinary incidents, but which has been characterized by one judge as "a notion which savors of metaphysical refinement rather than anything substantial." Truro, L. C., in *Watkins* v. *Williams*, 3 Macn. & G. 622, 629. Moreover, the recognized possibility of having a conditional fee, which *ex vi termini* is a fee with some of its ordinary incidents subtracted, is proof positive that no such general rule exists. An executory devise of realty undisposed of at the death of the taker of an absolute fee should accordingly be sustained, and the author's conclusion, in so far as it denies the validity of such a devise, seems incorrect.

Every effort should be made to sustain executory devises of realty undisposed of at the death of the first taker and thus effectuate the testator's intention. It is submitted that they should be upheld except in those cases where to allow them would impose an illegal restraint on alienation. When a tenant in fee is given full power of alienation both by deed and by will, with a gift over only on his failure to exercise that power, certainly no restraint on alienation exists and the executory devise should be upheld. GRAY, RESTR. ALIEN. §§ 57–74 g. In *Jackson* v. *Bull*, it is to be noted, alienation by will is restrained if A dies without issue. Possibly such a conditional restraint might be held to render the gift over inoperative. The actual decision in *Jackson* v. *Bull*, therefore, may be sustainable. See GRAY, RESTR. ALIEN. § 56 c. Chancellor Kent's *ratio decidendi* in that case, however, as Mr. Thompson well points out, is erroneous.

STATUS OF CORPORATIONS ON DISSOLUTION OF CHARTERING GOVERNMENT. — The change of sovereignty in South Africa has given rise to an interesting question concerning the present status of corporations chartered by the old Transvaal government. Although the point is one that rarely arises owing to the fact that the contingency on which it depends is now of infrequent occurrence, it has grown with the wide extension of corporate interests to be one of no small importance. Direct authority on it is very meager, and hence a discussion of it in a late issue of an English magazine deserves remark. *The International Status of Modern Companies*, by D. F. Pennant, 28 L. Mag. and Rev. 161 (Feb., 1903). The author draws a distinction between municipal and private corporations, and concludes that the former, being mere subdivisions of the central government, cannot survive it, but that the latter are sufficiently independent of it to be unaffected by its dissolution. It is at once obvious that if all corporate charters were *ipso facto* annulled when the government which granted them ceases to exist, great confusion would result in business circles. In the interim between the death of the old and the proper organization of the

new government, corporate interests would be completely stagnated. Mr. Pennant's conclusion that private corporations continue to exist is, therefore, in keeping with sound business policy. It is also supported by what authority there is on the point. *Kansas Pac. R R. Co.* v. *Atchison T. & S. F. R. R. Co.*, 112 U. S. 414; *Importing and Exp. Co. of Ga.* v. *Locke*, 50 Ala. 332. The ground of this view is that notwithstanding a change of sovereignty all the laws of a country continue as before until the new sovereign takes active steps to change them, — a principle well established in the law. *Commonwealth* v. *Chapman*, 13 Met. (Mass.) 68. The change is merely in the sovereign itself, while the entire legal system remains undisturbed. The new government simply assumes control of an already existing system. The old sovereignty has passed statutes and granted charters, and all of them are equally the laws and ordinances of that sovereignty, and should continue in effect until the new government sees fit to change them.

The above considerations should be equally conclusive of the status of municipal corporations. Mr. Pennant's premise that municipal corporations are commonly regarded as subdivisions of the central government cannot be disputed, but it would seem that his conclusion does not necessarily follow. Although the municipalities do exercise functions delegated to them by the old sovereign, those functions are of a purely local and non-political nature, entirely unconnected with national affairs. The sovereign in all nations having systems of local self-government remains in active control only of national and political affairs, and only those should be affected by a change of sovereignty. No decisions in point have been found, but it is a matter of history that municipal charters granted by one government have remained in effect under succeeding governments without re-enactment. For example, the city of New York was governed until 1830 under a charter that was granted in 1730. NEW YORK CITY CHARTERS, KENT'S NOTES, p. 71.

CASES ON CRIMINAL LAW. A Selection of Reported Cases on Criminal Law. By William E. Mikell, Assistant Professor of Law in the University of Pennsylvania. Philadelphia: International Printing Co. In two volumes. Vol. I. 1902. pp. 504. 8vo.

The first volume of a new collection of cases on criminal law by William E. Mikell, Assistant Professor of Law in the University of Pennsylvania, intended primarily for use by the students in the University of Pennsylvania Law School, is well worth a careful examination by any one who is interested in the modern methods of teaching law. The book is divided into two parts on the principle which Mr. Bishop and other modern writers have found expedient, the present volume treating of the general elements of crime and the second volume now in preparation covering cases on specific crimes. In theory of treatment this collection of cases is not unlike the "Cases on Criminal Law" of Professor Beale. The introductory cases indicating the sources of criminal law, the chapters on the nature of the criminal act, on criminal intent, on criminal intent as affected by peculiar conditions, and on justification for crime, and finally the chapter on parties to crime, follow very closely the scheme of Professor Beale's book. The noticeable features distinguishing the present work are the more refined subdivision of the subject-matter, the tendency to introduce decisions in which the opinions are long and the arguments *pro* and *con* elaborately discussed, and finally the addition of a group of American cases decided since the publication of Mr. Beale's book.

This close subdivision of topics merits distinct approval. The placing of each case under a specific head suggests to the student the principle of law for which it is inserted, and enables the discussion of it in the class-room to be focused upon that principle. The book moreover is thus made far more serviceable to the practitioner, who usually desires to know the law upon a certain specific point and who can turn at once in Mr. Mikell's book to an apt illustra-